

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed on November 6, 2003. Applicants respectfully request reconsideration and favorable action in this case.

Section 102 Rejections

The Office Action rejects Claims 1, 2, 11, 14, 16, 31, 32, 43, and 45 under 35 U.S.C. § 102(e) as being anticipated over U.S. Patent No. 6,038,554 to Vig ("*Vig*"). Applicants respectfully traverse these rejections for the reasons discussed below.

At the outset, Applicants thank the Examiner for providing details or reasoning as to how the "probed entity" of *Vig* allegedly anticipates "intellectual capital comprises human capital, structural capital, and external capital" as recited, in part, in Claim 1. In particular, the Office Action states that "the limitation recites 'one or more'; therefore the examiner has focused on human capital." Office Action at 14. Given this new explanation, Applicants respectfully assert that the rejections are based on a misinterpretation of the language of independent Claims 1 and 31. For example, the quoted "one or more" is a modifier of "intellectual capitals," not "human capital, structural capital, and external capital." In other words, each identified "intellectual capital comprises human capital, structural capital, and external capital." The specification supports this interpretation. *See, e.g.*, Specification, 6:1-20; *id.*, 9:11-13; *id.* at FIGs. 1-4. For clarification in response to the misinterpretation and to place the claims in better form for consideration on appeal, Applicants amend independent Claims 1 and 31 to recite "each intellectual capital comprises human capital, structural capital, and external capital." Applicants respectfully assert that even if *Vig* suggests "human capital," which the Applicants do not concede, *Vig* fails to teach at least "each intellectual capital comprises human capital, structural capital, and external capital." *Sanders, Eder '205*, and *Eder '406* fail to account for the deficiencies of *Vig*.

For at these reasons, Applicants submit that no new matter has been added by this amendment and request that i) the amendments be admitted; and ii) the rejections be withdrawn and Claims 1, 2, 11, 14, 16, 31, 32, 43, and 45 be allowed. Alternatively, Applicants respectfully request that the finality of the Office Action be withdrawn.

Section 103 Rejections

The Office Action rejects:

- Claims 3, 4, 12, 13, 15, 17, 18, 19, 21, 33, 34, 41, 42, 44, 46, 47, 48, and 50 under 35 U.S.C. § 103(a) as being unpatentable over *Vig* and further in view of U.S. Patent No. 6,411,936 to Sanders (“*Sanders*”);
- Claims 5, 20, 22-27, 35, 49, and 51-56 under 35 U.S.C. § 103(a) as being unpatentable over *Vig* and further in view of *Sanders* and further in view of U.S. Patent No. 6,321,205 to Eder (“*Eder* ‘205’”);
- Claims 6, 7, 9, 10, 36, 37, 39, and 40 under 35 U.S.C. § 103(a) as being unpatentable over *Vig* and further in view of U.S. Patent No. 6,393,406 to Eder (“*Eder* ‘406’”); and
- Claims 8, 28, 29, 30, 38, 57, 58, and 59 under 35 U.S.C. § 103(a) as being unpatentable over *Vig* and further in view of *Eder* ‘406 and further in view of *Sanders*.

For at least the reasons discussed above with the §102 rejections, Applicants respectfully submit that *Vig*, even when combined with *Sanders*, *Eder* ‘205, and/or *Eder* ‘406, fail to teach various limitations of independent Claims 1 and 31 and all claims depending therefrom. Accordingly, Applicants request that the Examiner allow Claims 3-10, 12-13, 15, 17-30, 33-42, 44, and 50-59.

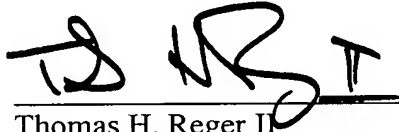
CONCLUSION

For the foregoing reasons and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

If Examiner believes that prosecution of this Application would be advanced by discussing the Application with Applicants' representative, a telephone call to the undersigned is strongly encouraged.

Applicants do not believe that any fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 05-0765 of Electronic Data Systems Corporation.

Respectfully submitted,
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